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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/601,702	08/04/2000	HIDEYOSHI HORIMAI	106357	8307

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OLIFF & BERRIDGE
PO BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

HENRY, JON W

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 02/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/601,702

Applicant()

HORIMAI, HIDEYOSHI

Examiner

Jon W. Henry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2000.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claims 1-50 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

6, 7, 11, 16 linking
In accordance with 37 CFR 1.499, applicant is required, in response to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 2, 8 and 17, drawn to optical information recording and reproducing apparatuses including position control means (P).

Group II, claim(s) 3, 9, 18, 28, 29, 32, 38, 39 and 44, drawn to optical information recording and/or reproducing apparatuses with the lights along the same line or, taken as equivalent, using an optical pick-up device (S).

Group III, claim(s) 4, 10, 19, 24, and 27, drawn to optical information recording or reproducing apparatuses using different wavelengths (D).

Group IV, claim(s) 5, drawn to an optical information recording apparatus using redundancy (R).

Group V, claim(s) 12 and 15, drawn to an information recording apparatus using an absorbance information recording layer (A).

Group VI, claim(s) 13, drawn to an optical information recording apparatus using an absorbance information recording layer (A) and position control means (P).

Group VII, claim(s) 14, drawn to an optical information recording apparatus using an absorbance information recording layer (A) and with the lights along the same line (S).

Group VIII, claim(s) 20 and 23, drawn to an optical information recording apparatus using an absorbance information recording layer (A) and using different wavelengths (D).

Group IX, claim(s) 21, drawn to an optical information recording apparatus using an absorbance information recording layer (A), using different wavelengths (D), and using position control means (P).

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Group X, claim(s) 22, drawn to an optical information recording apparatus using an absorbance information recording layer (A), using different wavelengths (D), and with the lights along the same line (S).

Group XX, claim(s) 25, drawn to an optical information reproducing apparatus using different wavelengths (D) and position control means (P).

Group XI, claim(s) 26, 30 and 40, drawn to an optical information reproducing apparatus using different wavelengths (D) and with lights along the same line (S).

Group XII, claim(s) 31 and 41, drawn to an optical information reproducing apparatus with the lights along the same line (S) and quantity light monitoring (Q).

Group XIII, claim(s) 33, drawn to an optical information recording system using an optical pick-up (S) and recording control means (C).

Group XIV, claim(s) 34, drawn to an optical information recording system using an optical pick-up (S) and illumination control (C).

Group XV, claim(s) 35, drawn to drawn to an optical information recording system using an optical pick-up (S) and fixing means (F).

Group XVI, claim(s) 36 and 42, drawn to drawn to an optical information recording system using an optical pick-up (S) and position control means (P).

Group XVII, claim(s) 37 and 45, drawn to drawn to an optical information recording system using a plurality (U) of optical pick-ups (S).

Group XVIII, claim(s) 43, drawn to an optical information recording system using a plurality (U) of optical pick-ups (S) and position control means (P).

Group XIX, claim(s) 46-50, drawn to an optical information recording medium including plural information layers (T).

2. The inventions listed as Groups I-XX do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons. (1) With regard to the inventions with separate features, in the absence of an allowable linking claim, any special technical features related to patentability appears to be related to the separate features of the inventions. With regard to the

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inventions that entangle various inventions, for example, invention XVI that entangles the (S) and (P) features of inventions I and II, claims to those subcombinations pairwise evidence the combination of invention XVI is not relying on the particular (S) or (P) to define the special technical features of invention XVI. See MPEP 806.05(c) regarding evidence claim practice that applies also to unity of invention practice. Otherwise, an applicant could merely provide a "picture" claim combining all the separate features of a complex device, such as applicant discloses, and avoid division of the inventions for search and examination purposes, thereby overwhelming the examination system of the USPTO.

3. Claims 6, 7, 11 and 16 variously link some of the above inventions. The lack of unity of invention requirement among the linked inventions is subject to the nonallowance of the linking claims. Upon the allowance of the linking claim(s), the lack of unity requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

4. A telephone call was not made to applicant's representative to request an oral election to the above lack of unity requirement because of the complexity of the lack of unity requirement.

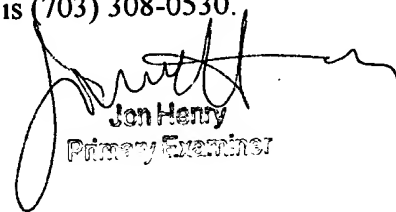
5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the lack of unity requirement be traversed.

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The inventions are distinct, each from the other because of the following reasons:

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon W. Henry whose telephone number is (703) 305-6106. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cassandra Spyrou, can be reached on (703) 308-1687. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0530.


Jon Henry
Primary Examiner

jwh
February 20, 2002